

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ILLINOIS TOOL WORKS INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 06-054-GMS
)	
FRITO-LAY NORTH AMERICA, INC.,)	
)	
Defendant.)	

STIPULATION AND PROPOSED ORDER

WHEREAS, this is an appeal from an interference pursuant to 35 U.S.C. § 146;

WHEREAS, the parties are holding discussions in an attempt to resolve this action before involving the Court's resources in scheduling and case management;

WHEREAS, the parties respectfully request the Court to enter a 60-day stay of defendant Frito-Lay North America, Inc.'s time to answer, move, or otherwise respond to the complaint in order to provide sufficient time for the parties to conduct those discussions before involving the Court's resources in scheduling and management of this action; and

WHEREAS, this is the first request for an extension of time to answer, move, or otherwise respond to the complaint that has been requested,

NOW THEREFORE, the parties hereby stipulate and agree, subject to the approval of the Court, that the time for defendant Frito-Lay North America, Inc.'s time to answer, move, or otherwise respond to the complaint shall be extended through and including August 7, 2006.

MORRIS NICHOLS ARSHT & TUNNELL LLP

YOUNG CONAWAY STARGATT & TAYLOR LLP

/s/ Rodger D. Smith II

/s/ Karen L. Pascale

William M. Lafferty (No. 2755)
Rodger D. Smith II (No. 3778)
Chase Manhattan Centre, 18th Floor
1201 North Market Street
Wilmington, DE 19801
(302) 658-9200
rsmith@mnat.com

John W. Shaw (No. 3362)
Karen L. Pascale (No. 2903)
The Brandywine Building, 17th Floor
1000 West Street
Wilmington, DE 19801
(302) 571-6600
kpascale@ycst.com

Attorneys for Illinois Tool Works Inc.

Attorneys for Frito-Lay North America, Inc.

SO ORDERED this _____ day of June , 2006

United States District Judge

CERTIFICATE OF SERVICE

I, Karen L. Pascale, Esquire, hereby certify that on June 7, 2006, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send e-mail notification that such filing is available for viewing and downloading to the following counsel of record:

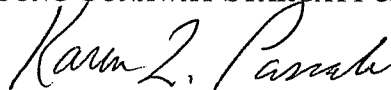
Rodger D. Smith, II
MORRIS, NICHOLS, ARSHT & TUNNELL LLP
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
rdsefiling@mnat.com

I further certify that on June 7, 2006, I caused a copy of the foregoing document to be served on the above-listed counsel of record by e-mail [rsmith@mnat.com] and hand delivery, and on the following non-registered participants in the manner indicated below:

By E-Mail

Gerald E. Levy [glevy@pitneyhardin.com]
Richard H. Brown, III [rbrown@pitneyhardin.com]
PITNEY HARDIN LLP
7 Times Square, 20th Floor
New York, NY 10036
212-297-5800

YOUNG CONAWAY STARGATT & TAYLOR LLP



Karen L. Pascale (No. 2903)
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, Delaware 19801
(302) 571-6600
kpascale@ycst.com

Attorneys for Defendant, Frito-Lay North America, Inc.